

1 MELINDA HAAG (CABN 132612)  
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)  
3 Chief, Criminal Division

4 | TIMOTHY J. LUCEY (CABN 172332)  
Assistant United States Attorney

150 Almaden Boulevard, Suite 900  
San Jose, California 95113  
Telephone: (408) 535-5061  
FAX: (408) 535-5066  
[Timothy.lucey@usdoj.gov](mailto:Timothy.lucey@usdoj.gov)

Attorneys for United States of America

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

FILED

FEB 13 2014

13 UNITED STATES OF AMERICA, ) No. CR 13-00579 LHK  
14 Plaintiff, ) STIPULATION AND [PROPOSED] ORDER  
15 v. )  
16 DWAYNE KENT SINGLETON )  
17 )  
18 Defendant. )  
19 )

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21 WHEREAS, the parties were scheduled for a status hearing before this Court on Tuesday,  
22 February 11, 2014, the defendant having previously made an initial appearance under Rule 5 of the  
23 Federal Rules of Criminal Procedure in the Southern District of Texas in the Galveston Division on  
24 February 4, 2014, in connection with the above-encaptioned matter pending in this District;

25 WHEREAS, Tad Nelson, Esq., having already made a general appearance as counsel for  
26 DWAYNE KENT SINGLETON in the Rule 5 proceedings in the Southern District of Texas, intends to  
27 represent Mr. Singleton once Mr. Singleton appears in this District on the Indictment returned by the  
28 grand jury for this District, such that he is making arrangements to appear pro hac vice in this matter and

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1 furthermore needs to make arrangements to travel to this District to appear on behalf of Mr. Singleton;

2 WHEREAS, in light of the foregoing, counsel for the parties jointly agree and stipulate that a  
3 continuance of this matter is appropriate in order to ensure effective preparation of counsel and  
4 continuity of counsel, pursuant to 18 U.S.C. § 3161(h)(7), and that based on their respective calendars  
5 and the period needed for the aforementioned discovery matters, an appropriate date for a status hearing  
6 is Tuesday, February 18, 2014;

7 THEREFORE, the parties mutually and jointly stipulate that the matter be continued from  
8 February 11, 2014, until February 18, 2014, and further jointly stipulate and agree that time should be  
9 excluded from February 11, 2014, up to and including February 18, 2014. The parties agree that  
10 excluding time until February 18, 2014, is necessary, given the need to maintain continuity of counsel.  
11 The parties also agree that failing to grant a continuance would deny counsel for the defense the  
12 reasonable time necessary for effective preparation and continuity of counsel, taking into account the  
13 exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7). Finally, the parties agree that the ends of justice  
14 served by excluding time from February 11, 2014, until February 18, 2014, outweigh the best interest of  
15 the public and the defendant in a speedy trial. *Id.* § 3161(h)(7).

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17 **IT IS SO STIPULATED.**

18 DATED: February 11, 2014

/s/  
TAD NELSON, ESQ.  
Attorney for DWYANE KENT SINGLETON

20 DATED: February 11, 2014

MELINDA HAAG  
United States Attorney

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IT IS SO ORDERED.

27 DATED: 2/13/14

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/s/  
TIMOTHY J. LUCEY  
Assistant United States Attorney

HONORABLE HOWARD R. LLOYD  
United States Magistrate Judge